



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

March 25, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Michael Elliott, M.D.
30481 Via Ventana
San Juan Capistrano, CA 92675

Re: License No. 175264

Dear Dr. Elliott:

Enclosed please find Order #BPMC 04-59 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect April 1, 2004.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary

Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

SURRENDER

OF

ORDER

**ROBERT MICHAEL ELLIOTT, M.D.
CO-03-12-5373-A**

BPMC No. 04-59

ROBERT MICHAEL ELLIOTT, M.D., says:

On or about July 15, 1988, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 175264 by the New York State Education Department. I currently reside at 30481 Via Ventana, San Juan Capistrano, CA 92675.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with three (3) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the three (3) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict

confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

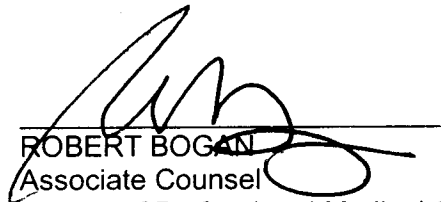
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 3/15/, 2004

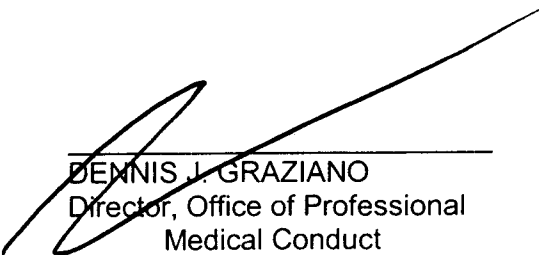

ROBERT MICHAEL ELLIOTT, M.D.
Respondent

AGREED TO:

Date: 17 March, 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 22 MARCH, 2004


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ROBERT MICHAEL ELLIOTT, M.D.
CO-03-12-5373-A

STATEMENT
OF
CHARGES

ROBERT MICHAEL ELLIOTT, M.D., the Respondent, was authorized to practice medicine in New York state on July 15, 1988, by the issuance of license number 175264 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 12, 1993, the State of Illinois, Department of Professional Regulation (hereinafter "Illinois Board") by an Order (hereinafter "Illinois Order"), required Respondent to cease and desist from permitting any person other than a duly licensed Physician and Surgeon, Registered Nurse or Physician Assistant or Surgical Nurse Practitioner from administering local anesthesia or analgesia to patients, and from sustaining hair transplant donor sites, and to complete twenty (20) hours of CME in the area of minor surgical procedures in out-patient facilities and/or the use of ancillary medical personnel therein, based on employing and supervising unlicensed individuals who performed certain duties in assisting Respondent during the conduct of hair restoration surgeries, which duties were properly performed only by persons appropriately licensed by the Department of Professional Regulation.

B. On or about September 30, 2003, the Maryland State Board of Physician Quality Assurance (hereinafter "Maryland Board"), by a Final Order (hereinafter "Maryland Order"), DENIED Respondent's Application for Reinstatement of Medical License, based on Respondent willfully making false statements on his reinstatement application by denying multiple complaints and investigations, limitations on his practice, and required remedial education that resulted from matters in which he was involved with four different medical boards, namely Illinois, Oregon, Massachusetts, and Maryland, and failure to provide truthful and detailed explanations as required on the application for reinstatement pertaining to medical malpractice lawsuits as

required by the application, where the false statements were conduct both fraudulently and deceptively intended by Respondent to secure his license without further investigation.

C. The conduct resulting in the Illinois Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(11) (permitting, aiding, or abetting an unlicensed person to perform activities requiring a license); and/or
3. New York Education Law §6530(25) (delegating professional responsibilities to a person when the licensee knows or has reason to know that such person is not qualified, by training, by experience or by license to perform them).

D. The conduct resulting in the Maryland Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(1) (obtaining a license fraudulently);
2. New York Education Law §6530(2) (practicing the profession fraudulently);
3. New York Education Law §6530(3) (moral unfitness); and/or
4. New York Education Law §6530(21) (willfully making or filing a false report).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or C.

SECOND AND THIRD SPECIFICATIONS

Respondent violated New York State Education Law §6530 (9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or C.
3. The facts in Paragraphs B and/or D.

DATED: *March 9*, 2004
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER

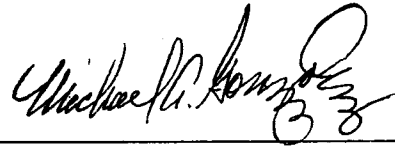
Upon the proposed agreement of **ROBERT MICHAEL ELLIOTT, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 3/23, 2004



MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct